

Appl. No. 09/595,256



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group
Art Unit: 3761

Attorney
Docket No.: 121027- 009

Applicant: Yoshinori KUMASAKA

Invention: DISPOSABLE DIAPER

Serial No: 09/595,256

Filed: June 15, 2000

Examiner: Karin Reichle

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231

on August 7, 2006

Michael S. Gzybowski

RESUBMITTED BRIEF ON APPEAL

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Notification of Non-Compliant Appeal Brief mailed January 6, 2006 and further to Appellant's Notice of Appeal filed May 19, 2005 in connection with the above-identified application, Appellant resubmits the present, Amended Brief on Appeal.

REAL PARTY IN INTEREST

08/18/2006 YPOLITE1 00000101 122136 09595256
01 FC:1402 500.00 PA
Adjustment date: 11/24/2006 SDENB001
08/10/2006 YPOLITE1 00000101 122136 09595256
01 FC:1402 500.00 CR

Appellant assigned this application to Uni-Charm Corporation in an assignment which was executed by the inventor on October 18, 2000, and recorded in the United States Patent and

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PATENT APPLICATION**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group
Art Unit: 3761

Attorney
Docket No.: 121027-009

Applicant: Yoshinori KUMASAKA

Invention: DISPOSABLE DIAPER

Serial No: 09/595,256

Filed: June 15, 2000

Examiner: Karin Reichle

Certificate Under 37 CFR 1.80(b)

I hereby certify that this correspondence is transmitted
to the United States Patent and Trademark Office via
facsimile transmission on the date indicated below.

on November 12 2006


Debra L. Burns**REQUEST FOR REFUND**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Appeal Brief was filed in the above-referenced patent application on August 19, 2005, and authorization was provided to charge the Appeal Brief fees of \$500 to the attorney's deposit account. (See Exhibit A) A copy of the August 2005 PTO deposit account statement indicates the Appeal Brief fee was charged to the account on August 23, 2005. (See Exhibit B)

A Resubmitted Brief on Appeal was filed on August 7, 2006. A copy of the August 2006 PTO deposit account statement indicates that the Appeal Brief fee of \$500 was again charged to the attorney's deposit account on August 10, 2006 (See Exhibit C)

A refund in the sum of \$500.00 is respectfully requested for this duplicate charge.

-1-

Please credit the refund to Deposit Account No. 12-2136, BUTZEL LONG.

Respectfully submitted,



Michael S. Gzybowski

Reg. No. 32,816

BUTZEL LONG

350 South Main Street, Suite 300

Ann Arbor, Michigan 48104

(734) 995-3110

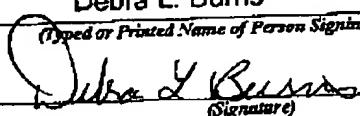
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734 302 7622 TO 915712738300

P.01/08

NOV 10 2006

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Yoshinori KUMASAKA			Docket No. 121027-0009
Application No. 09/595,256	Filing Date June 15, 2000	Examiner Karin Reichle	Group Art Unit 3761
Invention: DISPOSABLE DIAPER			
<p>I hereby certify that this <u>Certificate and Request for Refund</u> <small>(Identify type of correspondence)</small> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>November 10, 2006</u> <small>(Date)</small></p> <p style="text-align: center;"> <u>Debra L. Burns</u> <small>(Typed or Printed Name of Person Signing Certificate)</small>  <small>(Signature)</small> </p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

11/10/2006

NOV 10 2006

EXHIBIT A

Doc Code:

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0851-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete If Known	
FEE TRANSMITTAL for FY 2005		Application Number	09/593,256
		Filing Date	June 15, 2000
		First Named Inventor	Yoshihori KUMASAKA
		Examiner Name	Karin Reichle
		Art Unit	3761
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	121027-009
TOTAL AMOUNT OF PAYMENT (\$)		\$620.00	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Deposit Account Number: 12-2136 Deposit Account Name: BUTZEL LONG

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.18 and 1.17☒ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
380	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

Total Claims Extra Claims Fee (\$)

- 20 or HP = 0 x \$50.00 = \$0.00

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = 0 x \$200.00 = \$0.00

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = 0 / 50 0 (round up to a whole) x \$250.00 = \$0.00

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief and One Month Extension of Time

\$620.00

SUBMITTED BY		Registration No.	32,816	Telephone	734-995-3110
Signature	<i>Michael S. Gzybowski</i>	(Attorney/Agent)		Date	August 19, 2005
Name (Print/Type)	Michael S. Gzybowski				

This collection of information is required by 37 CFR 1.126. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXHIBIT B
**United States
Patent and
Trademark Office**
Deposit Account Statement
Requested Statement Month:

August 2005

Deposit Account Number:

122136

Name:

BUTZEL LONG

Attention:

MICHAEL S. GZYBOWSKI

Address:

350 SOUTH MAIN STREET

City:

ANN ARBOR

State:

MI

Zip:

48192

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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EXHIBIT C



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month:

August 2006

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122136

Name:

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ANN ARBOR

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MI

Zip:

48192

Country:

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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08/22 100	11420305	132702-0190	1051	\$130.00	\$2,083.00

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